

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

HORTON HOMES, INC.,

Plaintiff,

v.

LARUE BANDY, MARIE BANDY,
PATRICK PRITCHETT, WILLIAM
SHANER, ELSIE FONDREN
AVERETTE, WILLIAM CRUTHIRDS,
SHERRIE CRUTHIRDS, LARRY C.
McCULLOUGH, and ROBERT
JEROME TEAL, III,

Defendants.

CIVIL ACTION NO.
2:07-CV-506-MEF

NOTICE OF FILING DECLARATION OF JIMMY L. PAUL
PURSUANT TO 28 U.S.C. § 1746

COMES NOW Plaintiff Horton Homes, Inc. ("Plaintiff Horton") and hereby gives notice of the filing of the "Declaration of Jimmy L. Paul Pursuant to 28 U.S.C. § 1746" (the "Paul Declaration"), attached hereto as Exhibit "A". Plaintiff Horton is filing the Paul Declaration in support of "Plaintiff Horton Homes, Inc.'s Motion for Protective Order Prohibiting Discovery About Non-Party Entities Not the Subject of Claims or Defenses" and for all other purposes authorized by law.

Dated this 1st day of July, 2008.

By: /s/ Jimmy L. Paul

JIMMY L. PAUL

Georgia Bar No. 567600

THOMAS C. GRANT

Georgia Bar No. 297455

(Admitted Pro Hac Vice)

Chamberlain, Hrdlicka, White, Williams & Martin

191 Peachtree Street, N.E., 34th Fourth Floor

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SYDNEY F. FRAZIER

SJIS #FRA007

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2001 Park Place North

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Co-Counsel for Plaintiff Horton Homes, Inc.

EXHIBIT "A"
TO
NOTICE OF FILING DECLARATION OF JIMMY L. PAUL
PURSUANT TO 28 U.S.C. § 1746

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
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HORTON HOMES, INC.,

Plaintiff,

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LARUE BANDY, MARIE BANDY,
PATRICK PRITCHETT, WILLIAM
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JEROME TEAL, III,

Defendants.

CIVIL ACTION NO.
2:07-CV-506-MEF

DECLARATION OF JIMMY L. PAUL PURSUANT TO 28 U.S.C. § 1746

COMES NOW JIMMY L. PAUL, who makes the following Declaration
under penalty of perjury:

1.

I am a shareholder of the law firm of Chamberlain, Hrdlicka, White,
Williams & Martin and am a member in good standing of the State Bar of Georgia.
I have been admitted pro hac vice to serve as counsel of record for Plaintiff Horton
Homes, Inc. in the action referenced above.

2.

Attached hereto as Exhibit "A" is a true and correct copy of a letter I received by facsimile on June 2, 2008, from Frank H. Hawthorne, Jr., concerning discovery in this action.

3.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 30th day of June, 2008.

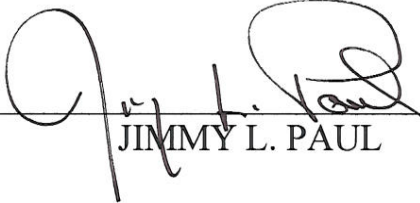

JIMMY L. PAUL

EXHIBIT "A"
TO
DECLARATION OF JIMMY L. PAUL PURSUANT TO 28 U.S.C. § 1746

HAWTHORNE & MYERS, LLC**ATTORNEYS AT LAW**

322 ALABAMA STREET

MONTGOMERY, ALABAMA 36104

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Frank H. Hawthorne, Jr.
Randy MyersTelephone: (334) 269-5010
Telefax: (334) 834-0080Of Counsel
Frank H. Hawthorne
1923-2002

June 2, 2008

James L. Paul, Esq.
Chamberlain, Hrdlicka, White, Williams, & Martin
191 Peachtree Street Northeast Thirty-Fourth Floor
Atlanta, GA 30303**VIA FAX TRANSMISSION
TO (404) 659-1410**Sydney F. Frazier, Jr., Esq.
Cabaniss, Johnston, Gardner, Dumas, & O'Neal LLP
P.O. Box 830612
Birmingham, AL 35283-0612**VIA FAX TRANSMISSION
TO (205) 716-5389**Re: Horton Homes, Inc. v. Bandy, et al.
Case Number: 2:07-CV-506-MEF

Gentlemen:

In looking ahead at our cutoffs, I noticed that we must have a face to face settlement conference by this Friday, June 6, 2008 and then you are required to file a notice concerning settlement discussing mediation within 5 days of said settlement conference. As this is not a case of damages, we do not believe it can be settled. Either H&S Homes, LLC is the alter ego of Horton Homes, Inc., or it is not.

In the meantime, we need to conclude Mr. Sinclair's Deposition and his 30(b)(6) deposition. In addition, we wish to dispose David Givens and Bill Harpe; also we would like to depose Mr. David Giddens, the president of Triangle Homes, LLC. Please provide us with several two day periods available to you in the next three weeks.

Sincerely,


Frank H. Hawthorne, Jr.FHHjr/lks
Cc: Randy Myers Esq.
Mike Harper Esq.

CERTIFICATE OF SERVICE

This is to certify that on this date the undersigned has filed using the CM/ECF system a true and correct copy of "Notice of Filing Declaration of Jimmy L. Paul Pursuant to 28 U.S.C. § 1746" on the following parties and has served the following via the CM/ECF system:

Michael S. Harper
213 Barnett Boulevard
P.O. Box 780608
Tallahassee, Alabama 36078

Frank H. Hawthorne, Jr.
Randy A. Myers
Hawthorne & Myers LLC
322 Alabama Street
Montgomery, Alabama 36104

Dated this 1st day of July, 2008.

By: /s/ Jimmy L. Paul
JIMMY L. PAUL
Georgia Bar No. 567600
THOMAS C. GRANT
Georgia Bar No. 297455
(Admitted Pro Hac Vice)

Co-Counsel for Plaintiff Horton Homes, Inc.

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